Faculty and Administration Collaboration Team  
Meeting Agenda with Minutes (in red)  
September 6, 2019

FACT MEETING  
2:00 p.m.  
Rio Salado College | 2323 West 14th Street | Tempe, AZ 85281  
Rio Tower - Franklin Room

Members:  
Terry Leyba Ruiz – President, Glendale CC  
Patrick Roddy – Adjunct Faculty, SCC  
Patricia Gail Hasse – Adjunct Coordinator, CGCC  
Greg Peterson – President, CGCC  
Stacy Smith – Residential Faculty, PVCC  
Eddie Genna – Residential Faculty, PC  
Ramona Goth – Residential Faculty, SCC  
Teri Traaen – Adjunct Faculty, Gateway CC  
Stephanie Fujii – VP of Academic Affairs, SCC

AGENDA (with Minutes in red)

1. Information regarding compliance with Open Meeting Law – Leslie Cooper, General Counsel to MCCCD  
   Ms. Cooper provides training regarding Open Meeting Law and the requirements of FACT. She explains that the best guidance for adherence is the Ombudsman document she provided as a handout, attached as Attachment 1 to these meeting minutes.

2. Interest Based Problem Solving Training – Eddie Genna and Teri Traaen  
   The public is invited to participate in this training.  
   Eddie Genna lead a presentation in Interest-Based Negotiation: Skills for Problem-Solving and Collaboration. Teri Traaen assisted in the presentation and provided a document entitled Interest Based Problem Solving: Navigating a Path to Common Ground in All Situations. Eddie Genna’s presentation is Attachment 2 to these minutes and Teri Traaen’s document is Attachment 3 to these minutes.

The Maricopa County Community College District endeavors to make all public meetings accessible to persons with disabilities or individuals with Limited English Proficiency. To ensure the provision of appropriate or reasonable accommodations, please submit your request within 24 hours of the posting of the agenda. Without advance notice we are unable to guarantee the accommodations of choice. For a literal translation of this agenda, the web tool Google Translate is located on the bottom of the menu bar to the left on the Governing Board web page located at https://administration.maricopa.edu/governing-board/agenda.php. For more information, please contact FACT Administrative Support at (480) 731-8176.
• FACT members would like this information available to the public on the FACT page of the MCCC website.

3. Discussion is held in order to set the agenda for the September 11, 2019 FACT meeting.
   The agenda is set as:
   I. Compliance presentation and discussion – Samantha Blevins
   II. Ground rules and rules of engagement
   III. Feasibility of Open Meeting Law requirements
   IV. Read and review previous feedback from constituencies
   V. Review and analyze the first few articles of the current draft
   VI. Decide on subcommittees and task forces
   VII. Board presentation discussion
   VIII. Set next agenda and meeting facilitator

The next FACT meeting will be held at 2:00 pm on September 18, 2019, at Rio Salado College Conference Center – Rio Tower, Franklin Room.
OPEN MEETING LAW 101
Arizona’s Open Meeting Law in a Nutshell
Information compiled by:
Liz Hill, Assistant Ombudsman – Public Access
Last revised August 2010

Two core concepts

“All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings.” A.R.S. § 38-431.01(A).

“It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonable necessary to inform the public of the matters to be discussed or decided.” A.R.S. § 38-431.09.

Why do we have an Open Meeting Law?

1. To protect the public.
   a. To avoid decision-making in secret.
   b. To promote accountability by encouraging public officials to act responsively and responsibly.
2. To protect public officials.
   a. To avoid being excluded (notice).
   b. To prepare and avoid being blind sided (agenda).
   c. To accurately memorialize what happened (minutes).
5. Build trust between government and citizenry.

What constitutes a meeting?

A meeting is a gathering, in person or through technological devices of a quorum of a public body at which they discuss, propose or take legal action, including deliberations. A.R.S. § 38-431(4). This includes telephone and e-mail communications.

Who must comply with Open Meeting Law?

Public bodies. "Public body" means the legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of the state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by the state or political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, the public body. A.R.S. § 38-431(6).
"Advisory committee" or "subcommittee" means any entity, however designated, that is officially established, on motion and order of a public body or by the presiding officer of the public body, and whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the public body. A.R.S. § 38-431(1).

The Secretary of State, Clerk of the County Board of Supervisors, and City and Town Clerks must conspicuously post open meeting law materials prepared and approved by the Arizona Attorney General’s Office on their website. A person elected or appointed to a public body shall review the open meeting law materials at least one day before the day that person takes office. A.R.S. § 38-431.01(G)

**What is Required under the Open Meeting Law?**

1. **Notice**

Public bodies must post a disclosure statement on their website or file a disclosure statement as provided for by statute. The disclosure statement states where the public body will post individual meeting notices. A.R.S. § 38-431.02(A)(1) through (4).

The open meeting law requires at least 24 hours notice of meetings to the members of the public body and the general public. A.R.S. § 38-431.02(C).

Notice must be posted on the public body’s website, unless otherwise permitted by statute. Notice must also be posted at any other electronic or physical locations identified in the disclosure statement and by giving additional notice as is reasonable and practicable. A.R.S. § 38-431.02(A)(1) through (4).

2. **Agenda**

Agendas must contain information reasonably necessary to inform the public of the matters to be discussed or decided. A.R.S. § 38-431.09.

Agendas must be available at least 24 hours before the meeting. A.R.S. § 38-431.02(G).

3. **Public’s Rights**

<table>
<thead>
<tr>
<th>The public has a right to:</th>
<th>Public has no right to:</th>
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<tbody>
<tr>
<td>Attend</td>
<td>Speak</td>
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<tr>
<td>Listen</td>
<td>Disrupt</td>
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<tr>
<td>Tape record</td>
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<td>Videotape</td>
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4. Calls to the Public

An open call to the public is an agenda item that allows the public to address the public body on topics of concern within the public body’s jurisdiction, even though the topic is not specifically included on the agenda. Ariz. Att’y Gen. Op. I99-006.

Although the Open Meeting Law permits the public to attend public meetings, it does not require public participation in the public body’s discussions and deliberations and does not require a public body to include an open call to the public on the agenda. See Ariz. Att’y Gen. Op. No. I78-001.

An individual public officer may respond to criticism, ask staff to review an item or ask that an item be placed on a future agenda, but he or she may not dialogue with the presenter or collectively discuss, consider, or decide an item that is not listed on the agenda. A.R.S. § 38-431.01(H); Ariz. Att’y Gen. Op. I99-006. Note that individual members of the public body may respond to criticism by individuals who addressed the public body during the call to the public, but the public body may not collectively discuss or take action on the complaint unless the matter is specifically listed on the agenda. A.R.S. § 38-431.01(H).

Public bodies may impose reasonable time, place, and manner restrictions on speakers. Restrictions must be narrowly tailored to affect a compelling state interest and may not be content based. Ariz. Att’y Gen. Op. I99-006.

A member of the public body may not knowingly direct a staff member to communicate in violation of the Open Meeting Law. A.R.S. 38-431.01(I).

In sum:
- Calls to the public are permitted, but not required.
- Should be added as an agenda item.
- Public body may limit speaker’s time.
- Public body may require speakers on the same side with no new comments to select spokesperson
- Public body may set ground rules:
  - civility
  - language
  - treat everyone the same

5. Executive Sessions

Public bodies may hold private executive sessions under a few limited circumstances. In executive sessions, the public is not allowed to attend or listen to the discussions, and the public body is not permitted to take final action. A.R.S. § 38-431.03(D).

Members of the public body may not vote or take a poll in executive sessions. A.R.S. § 38-431.03(D).
There are seven authorized topics for executive sessions:
1. Personnel (must provide 24 hours written notice to employee).
2. Discussion or consideration of records exempt by law from public inspection.
3. Legal advice – with public body’s own lawyer(s).
4. Discussion or consultation with public body’s lawyer(s) to consider pending or contemplated litigation, settlement discussions, negotiated contracts.
5. Discuss and instruct its representative regarding labor negotiations.
6. Discuss international, interstate, and tribal negotiations.
7. Discuss the purchase, sale, or lease of real property.

Notice and Agenda: Agendas for executive sessions may describe the matters to be discussed more generally than agendas for public meetings in order to preserve confidentiality or to prevent compromising the attorney-client privilege. A.R.S. § 38-431.02(I). Nonetheless, the agenda must provide more than a recital of the statute that authorizes the executive session.

6. Minutes (A.R.S. §§ 38-431.01(B), (C), (D) and -431.03(B))

Public bodies must take meeting minutes of all meetings, including executive sessions.

May be recorded or written, keeping in mind that permanent records must be on paper.

Public session meeting minutes must include:
- Date, time and place of meeting;
- Names of members of the public body present or absent;
- A general description of matters considered; and
- An accurate description of all legal actions proposed, discussed or taken, and the names of members who propose each motion. The minutes shall also include the names of the persons, as given, making statements or presenting material to the public body and a reference to the legal action about which they made statements or presented material.

Executive session minutes must include:
- Date, time and place of meeting;
- Names of members of the public body present or absent;
- A general description of matters considered;
- An accurate description of all instructions given; and
- Such other matters as may be deemed appropriate by the public body.

The minutes or a recording of the public session must be open for public inspection no later than three working days after the meeting, except as otherwise provided in the statute. A.R.S. § 38-431.01(D).
Cities and towns with a population of more than 2,500 persons must post approved city and town council minutes on its website within two working days following approval. A.R.S. § 38-431.01(E)(2).

Minutes of executive sessions must be kept confidential except from certain individuals. A.R.S. § 38-431.03(B).

How long meeting minutes are maintained is determined by the public body’s record retention and destruction schedule authorized by Arizona State Library and Archives.

Persons in attendance may record any portion of a public meeting, as long as the recording does not actively interfere with the meeting. Acceptable recording equipment includes tape recorders, cameras, or other means of reproduction. A.R.S. § 38-431.01(F).

7. Where to turn for help

Self-help resources available:

Questions/File a complaint:
Arizona Ombudsman-Citizen’s Aide (602) 277-7292

File a complaint/Enforcement authority
Attorney General’s Open Meeting Law Enforcement Team (602) 542-5025
County Attorney’s Office
Interest-Based Negotiation: Skills for Problem-Solving and Collaboration

Eddie Genna, JD, PhD
Philosophy & Political Science
Phoenix College
Labor-Management Relationships

**ESCAPE** the relationship

**FORCE** change through concessions

**FOSTER** change through the relationship

Tactics in a Fostering Strategy

Bargaining
Employ integrative techniques, Information sharing, Problem-solving

Managing Internal Differences
Promote positive affect, Build working relationships

Shaping Intergroup Attitudes
Unify both own & other’s organization

Conflict

Is not bad. It tells you something needs fixing. So, fix it.

Each side is one of the other’s best resources for resolving the issues.

Can be a source of:
- Learning
- Better decision-making
- Improved working relationship.
Goals for Effective Negotiation

How do you know when you’re negotiating effectively?

A good negotiation is one where ...

A bad negotiation is one where ...

________________________________________

________________________________________

________________________________________

________________________________________
Characteristics of a Bad Negotiation

No Settlement is reached because of:

→ Destructive interpersonal dynamics
→ Failure to discover technical solutions which address each side’s needs

OR

Settlement is reached, but:

→ The solutions are not so great
→ Full compliance is problematic
→ Relationship is damaged
And a Good Negotiation ...

✓ Will it work?

✓ Will people easily go along with it?

✓ Does it provide for an efficient use of resources?

✓ Does it improve the relationship?

✓ Is it better than another alternative?
Negotiation Defined

An interaction by which two or more parties, with some apparent conflict, seek to do better through jointly decided action than they could otherwise do alone.

Outcome Options

- Complete Failure
  (no agreement; breakdown)
- One-sided Outcomes
  (one side wins; one loses)
- Partial Success
  (agreement to compromise)
- Success
  (joint maximization of each other’s interests)
Bargaining Definitions

Distributive Bargaining

Bargaining to resolve pure conflicts of interest

Adversarial Assumptions

→ For me to win, you must lose – therefore, we compete.

→ To help you is a sign of my weakness and will hurt me.

→ My power comes from opposing, criticizing & beating you.
Bargaining Definitions

Integrative Bargaining
Bargaining to attain objectives that are not in fundamental conflict.

Integrative Conditions
- Both sides can win without incurring loss
- Interests of each side overlap or are shared
- Interests of each side can be dovetailed and met simultaneously.
Positions & Interests

Position

→ Is a single solution to a problem.
→ Frequently unacceptable to the other side.
→ A position is one option.

Interest

→ Is a need, desire, concern.
→ Interests have many solutions.
Flaws in Positional Bargaining

→ Ignores the effects of the negotiation process on options invented, considered and chosen.

→ Ignores the value of relationship.

→ Can promote stubbornness, ill will, distrust.

→ Discourages communication of interests needed to realize creative inventive solutions.
Interests

An interest is a NEED CONCERN DESIRE FEAR HOPE relative to the issue or problem to be solved or resolved.

Interests can be solved/resolved by a variety of solutions. Some of these solutions will be acceptable to both parties.

Negotiation is the search for jointly acceptable solutions.
Interest-based Approach

Acknowledges Each side is one of the other’s best resources for resolving the issue.
Basic Elements of Negotiation

Basic Elements

- Power
- Rights
- Interests

Ury, Brett, and Goldberg, *Getting Disputes Resolved*, 1988
Outcome Options

Breakdown
One-sided
Compromise
Success
## Transaction Costs

<table>
<thead>
<tr>
<th></th>
<th><strong>Power</strong></th>
<th><strong>Rights</strong></th>
<th><strong>Interests</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Resources Required</strong></td>
<td>Usually high; Time, Money, Stress</td>
<td>Generally costly; Time, Money, Stress</td>
<td>Time &amp; Talent</td>
</tr>
<tr>
<td><strong>Outcome Satisfaction</strong></td>
<td>One-sided outcomes; the winner</td>
<td>Mixed: not satisfied to highly satisfied</td>
<td>Both interests must be satisfied or no agreement</td>
</tr>
<tr>
<td><strong>Compliance</strong></td>
<td>As long as power is applied</td>
<td>Until a better opportunity presents itself</td>
<td>Very durable because interests are met</td>
</tr>
<tr>
<td><strong>Relationship</strong></td>
<td>Always runs risk of destroying</td>
<td>“One upmanship”</td>
<td>Mutual respect, joint problem-solvers</td>
</tr>
</tbody>
</table>
Interest-based Negotiation

IBN shifts the emphasis in negotiations ...

Adversaries

Advocates for Interests
**Reaching Agreement**

**BATNA**

Best Alternative to a Negotiated Agreement

→ Accept negotiated outcome if it is better than your BATNA

→ BATNA = POWER
Lack of confidence in the integrity of the working relationship drives the parties to the least risk position.
Objective Criteria

- Apply to both (all) sides.
- Are independent of the will (power) of either side.
- Are practical and legitimate.
- Should be jointly agreed to.
Interest-based Principles

Separate the People from the Problem

Focus on Interests, not Positions

Generate Multiple Options

Evaluate by Objective Criteria & Interests

Accept Outcome if Superior to BATNA

### IBN in Sequence

Move from Positions to Interests
Get Information/Identify Objective Criteria
Reframe Issue as Problem-Solving Question
Generate Options
Evaluate by Interests & Objective Criteria
Craft Options into Offers
Accept if Better than BATNA

- Issue
- Position
- Interests
- Options
- Offers
- Agreement

**BATNA**
Making the Process Work

Be Soft on the People

Be Hard on the Issue
Making the Process Work

Listening Skills

➔ Concentrate
  - Really listen
  - Use paraphrasing

➔ Avoid Jumping to Conclusions

➔ Practice Empathy
  - Avoid getting defensive
  - Don’t be shocked at what you hear
Making the Process Work

People Issues
Block Access to Information
## Negotiating Strategies Compared

<table>
<thead>
<tr>
<th>Positional Negotiation</th>
<th>Interest-based Negotiation</th>
</tr>
</thead>
<tbody>
<tr>
<td>→ Open high or low</td>
<td>→ Use objective standards</td>
</tr>
<tr>
<td>→ Trade concessions</td>
<td>→ Choose from many options rather than splitting the difference</td>
</tr>
<tr>
<td>→ Disguise true feelings – wear a mask</td>
<td>→ Speak openly &amp; clearly, describing your interests</td>
</tr>
<tr>
<td>→ Discredit case &amp; claims made by the other party</td>
<td>→ Make sure the other party feels secure &amp; respected</td>
</tr>
<tr>
<td>→ Use tactics to keep the other party off balance</td>
<td>→ Evaluate negotiated outcome against best alternative away from the table</td>
</tr>
<tr>
<td>→ Insist on bottom-line</td>
<td></td>
</tr>
</tbody>
</table>

IBN Question for Negotiation

How can we help them solve their problem in a way that works for us?
Options & Offers

Options

- Carry no commitment
- Just ideas
- Come in bunches
- Need to be knit together

Offers

- Imply commitment
- Imply trade-offs, if ... then
- Come one at a time
- Solve problem in one swoop
Negotiation as Problem-Solving

→ Work to understand the issue.
→ Get information.
→ Identify solution criteria.
→ Brainstorm multiple options.
→ Select the best one.
To Avoid Conflict Escalation

Don’t be the first to defect from a relationship.

Take every chance to communicate.

Forgive them for making a mistake.

Rush to admit errors.

If they persist, be provocabale – flex your BATNA.
Interest-based Negotiation

- **Issue**
- **Positions/Initial Solutions**
  - Check Back
  - Experience
  - Implementation
- **Concerns/Interests**
- **Information / Learning**
- **Criteria**
- **Options ➔ Offers**
- **Negotiated Solution**

Reframe the Issue as a Problem Solving Question

Better than BATNA
Obstacles

What stands in the way of making IBN work?

→ Single Answers
→ Assuming a Fixed Pie
→ Their Problem is Theirs
→ Failing to Get Information
→ Too Much Emotion
→ Jumping to Conclusions
→ Staying in the Box
→ Fear of Taking Risks
Attachment 3
Interest Based Problem Solving

Navigating a Path to Common Ground in All Situations

Critical Factors in Understanding and Using Interest Based Tools

a) Your ‘emotional intelligence’ mastery serves as the foundation for your success in using an interest based approach to problem solving
b) Your need to ‘win’ (despite the cost) will mask your ability to find solutions that are best for all.
c) All topics/issues and organizations can use interest based problem solving in an affirmative manner if they are willing to practice transparency in a consistent fashion.
d) Advanced active listening skills serve as the foundation for your ability to accurately work with partners in the interest based process.

Definitions

Issue = ‘What’ is unsettled or concerning to you

Interests = ‘Why’ you are seeking a certain outcome; can include emotionally based needs and levels of importance.

Outcomes to Interest Based Work = ‘Satisfiers’; satisfiers are an unlimited number of potential suggestions to any issue and/or situation that may resolve the issue.

Key Steps

Identify Issue(s)
Design Ground Rules
Clarify Interest(s)
Brainstorm Ways to Satisfy Interests
Design Mutually-Acceptorable Solutions
Sample Ground Rules for Interest Based Problem Solving

Defining Rules of Engagement = Sustained Collaborative Relationships

1. We will define every FACT Committee/group meeting as a ‘safe haven’ where interests and ideas are affirmatively received and fully considered.

2. We will individually use self-control in order to not monopolize the time allocated for our meetings, so that each person serving on the FACT Committee will have the opportunity to provide their ideas, interests and concerns on every topic addressed.

3. We will individually withhold our anger and frustration so as not to blame anyone else for areas of our personal frustration in our collective work together.

4. We will openly share our work in a transparent fashion through the FACT website such that all employees within the Maricopa Community College District can participate in this process and learn the use of Interest Based Problem Solving for as many professional situations as possible.

5. We will discuss in our Committee meetings our best hopes and worst fears about all aspects of our work together and will not continue these types of conversations in isolated settings without the involvement of the Committee as a whole. We will use specific examples of interests and potential satisfiers in order to move our discussions along in as detailed a manner as possible and support the work of our Assistant who is charged with taking minutes and providing all documents in compliance with the Arizona Open Meeting requirements.

6. We will honor FACT Committee meeting schedules, starting and ending on time, as well as coming prepared to each meeting with our individual and subcommittee assignments completed. When feasible we will use technology so that Committee members are able to join meetings from remote locations and still meet their primary professional obligations.

7. We will use the available District budget data when appropriate to consider proposed narrative and handbook language considering the fiscal impact on the intent of the language and concepts being brought forward throughout our FACT Committee work.
Six Thinking Hats for Decision Processes

1. **White Hat:** What information is missing? What don’t you know? What is your analysis of what is happening?

2. **Red Hat:** What is your emotional response to what is occurring? How might others react emotionally to the situation or problem?

3. **Blue Hat:** What might a professional or someone highly knowledgeable say regarding the situation, decision, or problem (e.g. doctors, psychologists, scientists, clergy, etc)?

4. **Black Hat:** What are the negative points regarding the situation? What would a devil’s advocate say?

5. **Yellow Hat:** What are the positive aspects of the situation? What would an optimist say?

6. **Green Hat:** What are the creative options and solutions to the problem?

The Use of ‘Interests’

1. Clearly communicate your ‘interests’ – not positions or posturing; accept others’ interests without using this information to try to convince them to align with your interests.

2. Do not assume your ‘interests’ should be accepted by others or that they are ever more important that any individual’s/group’s stated ‘interests’.

3. Realize that recognition and understanding of ‘interests’ expressed by others does not always equate to acceptance or agreement.

4. Embrace the use of interest based problem solving as a method of ‘joint-problem solving’.

5. Realize that ‘interests’ form the language of relationship clarification, relationship building and the resolution of issues.

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Criteria and Satisfiers

In the interest based problem solving process two critical ‘tools’ are used on an ongoing basis. These tools are criteria (or standards) and satisfiers.

**Criteria** - are the jointly determined ways or standards by which a satisfier(s) is deemed acceptable in relationship to all interests that have been expressed (i.e. available budget or staffing resources).

**Satisfiers** - these are jointly determined specific ways to address (or satisfy) all interests that have been expressed. A critical aspect of the use of this tool is that most interests have many potential satisfiers.

The above topics/tools form the basis for the primary work done throughout the interest based problem solving process.